

AUG 19 2005

Application No. 09/857,906

Terminal Disclaimer submitted 8/19/2005

PTO/SB/25 (09-04)(modified) Approved for use through 07/31/2006. OMB 0851-0031 U.S. Patent and Trademark Office;
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**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional) QMT1.1-US

In re Application of: **Batich et al**Application No.: **09/857,906**Filed: **January 4, 2002**Confirmation no. **1157**For: **Intrinsically Bactericidal Absorbent Dressing and Method of Fabrication**

This is a Terminal Disclaimer on behalf of both owners of the instant application, Quick Med Technologies, Inc. (joint owner by assignment recorded at reel 013611/frame 0433) and the University of Florida Research Foundation, Inc. (joint owner by assignments recorded at reel 013561/frame 0665 and reel 013711/frame 0984).

Quick Med Technologies, Inc., owner of 50 percent interest in the instant application and **University of Florida Research Foundation, Inc.**, owner of 50 percent interest in the instant application, hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number **09/965,740**, filed on **September 28, 2001**, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantees, their successors or assigns.

In making the above disclaimer, the owners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said **reference** application, "as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application," in the event that: any such patent: granted on the pending **reference** application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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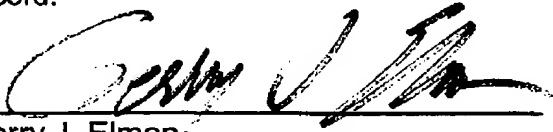
1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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2. ☒ The undersigned is an attorney or agent of record, Reg. No. 24,404 and signs this Terminal Disclaimer in accordance with 37 CFR §1.321, which is reproduced below for the record.


Gerry J. Elman

August 19, 2005
Telephone no. 610-892-9942
Reg. no. 24,404

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(a) A patentee owning the whole or any sectional interest in a patent may disclaim any complete claim or claims in a patent. In like manner any patentee may disclaim or dedicate to the public the entire term, or any terminal part of the term, of the patent granted. Such disclaimer is binding upon the grantee and its successors or assigns. A notice of the disclaimer is published in the *Official Gazette* and attached to the printed copies of the specification. The disclaimer, to be recorded in the Patent and Trademark Office, must:

- (1) Be signed by the patentee, or an attorney or agent of record;
 - (2) Identify the patent and complete claim or claims, or term being disclaimed. A disclaimer which is not a disclaimer of a complete claim or claims, or term will be refused recordation;
 - (3) State the present extent of patentee's ownership interest in the patent; and
 - (4) Be accompanied by the fee set forth in § 1.20(d).
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 - (i) By the applicant, or
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 - (iv) By an attorney or agent of record;
 - (2) Specify the portion of the term of the patent being disclaimed;
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- (1) Comply with the provisions of paragraphs (b)(2) through (b)(4) of this section;
 - (2) Be signed in accordance with paragraph (b)(1) of this section if filed in a patent application or in accordance with paragraph (a)(1) of this section if filed in a reexamination proceeding; and
 - (3) Include a provision that any patent granted on that application or any patent subject to the reexamination proceeding shall be enforceable only for and during such period that said patent is commonly owned with the application or patent which formed the basis for the rejection.

☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

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